

REMARKS/ARGUMENTS

Claims 1-10 are pending.

Claims 1, 8, and 10 were rejected under 35 U.S.C. §112, Second paragraph.

Claims 1-10 were rejected under 35 U.S.C. § 102(e) for allegedly being anticipated by Jindal et al U.S. Patent No. 6,092,178 (referred to hereafter as Jindal).

As to the Section 112 rejection of claim 1, 8, and 10, the claims have been amended so that “log information” is recited. As to the language “said collected log information”, the claims recite that “log information ... is collected” and so the subsequent reference to the log information as “said collected log information” is believed to have sufficient antecedent basis. The Section 112 rejections of claims 1, 8, and 10 are believed to be overcome. In addition, claims 4 and 9 were similarly amended.

To further clarify the present invention and distinguish the cited art, the term “promotion” has been replaced with “operation”. Also, the claims recite “an operation rule” being “generated based on log information”.

An aspect of the present invention is that log information of an application (e.g., “log information generated by said service”, claim 1) is acquired and analyzed. An operation rule is generated based on the analysis of the log information, where operation of the application is supported by the operation rule.

A further aspect of the invention, is that the operation rule is then conditionally applied to the application. Thus, when the log information meets a predefined condition or conditions, an operation rule relevant to the condition is applied.

By contrast, Jindal et al. disclose that in their collecting information, information is collected beforehand as to whether the number of connections of clients to a server is small or whether the number of waiting of requests from clients is small. A server to be executed is determined based on the collected information. In other words, Jindal et al. teach making a determination for server execution based on information about the load conditions on the server, irrespective of what applications are executing on the server.

Jindal et al. therefore differ from the present invention as recited in the pending claims, where operation rules relevant to the application, not the server, are applied. In other words, the present invention applies operation rules based on application running on the server. For example, in accordance with the present invention, when a certain server exhibits a high frequency of failures in executing a command in a particular application, an operation rule for avoiding the particular server as to that command is applied.

Jindal et al. do not teach application-level optimization. Moreover, Jindal et al. teach only to consider load conditions on the server (i.e., consider the number of clients connected to the server). This does not suggest the recited application-based optimization of the present invention as recited in the pending claims.

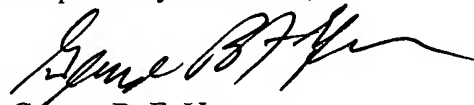
Jindal et al. merely disclose the use of a policy that is decided *a priori*, and then applies that policy to monitor server performance. This neither reads on nor suggests collecting log information during execution of an application and determining a suitable operation rule by analyzing the log information.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



George B. F. Yee
Reg. No. 37,478

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400 / Fax: 415-576-0300
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